

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:09CR266
	)	
v.	)	
	)	
JERRY GORISEK,	)	PRELIMINARY ORDER
	)	OF FORFEITURE
Defendant.	)	
_____	)	

This matter is before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture (Filing No. 22). The Court has reviewed the record in this case and finds as follows:

1. Defendant has entered a guilty Plea to Counts I, III, IV and V of said Indictment. Count I of said Indictment charges the defendant with possession with intent to distribute methamphetamine, a violation of 21 U.S.C. §§ 841(a)(1)&(b)(1). Count III of said Indictment charges the defendant with being a felon in possession, in violation of 18 U.S.C. § 922(g)(1). Count IV of said Indictment sought the forfeiture, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), of a Smith and Wesson .40 caliber handgun, serial #MRA5290, a Marlin lever action model 336CS 30/30 rifle, a Mossberg model 46B-B lever action .22 caliber rifle and a Glenfield model 60 .22 caliber long rifle, on the basis they were firearms involved or used in the knowing commission of the offense charged in Count III. Count V of said Indictment sought the forfeiture, pursuant to 21 U.S.C. § 853, of \$689.00 in United States currency on the basis it was used or was intended to be used to facilitate said controlled substance violation

and/or was derived from proceeds obtained directly or indirectly as a result of the commission of said controlled substance violation.

2. By virtue of said plea of guilty, the defendant forfeits his interest in the subject properties, and the United States should be entitled to possession of said properties, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(C) and 21 U.S.C. § 853.

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained. Accordingly,

IT IS ORDERED:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon Counts IV and V of the Indictment and the defendant's plea of guilty, the United States is hereby authorized to seize the Smith and Wesson .40 caliber handgun, serial #MRA5290, Marlin lever action model 336CS 30/30 rifle, Mossberg model 46B-B lever action .22 caliber rifle, Glenfield model 60 .22 caliber long rifle, and \$689.00 in United States currency.

C. Defendant's interest in said properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

D. The aforementioned forfeited properties are to be held by the United States in its secure custody and control.

E. Pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish for at least thirty consecutive days on an official Government internet site ([www.forfeiture.gov](http://www.forfeiture.gov)) notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the

properties in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in any of the subject forfeited properties must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

DATED this 2nd day of October, 2009.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court